P10

1939

Department of Revenue.

OFFICE of the Board of Revenue:

STATION Madras.

B. P. No. 1227.

Dated 2-5-39

Pages in

(SUBJECT.)

Income-tax - Hari Brahmadevaru - (South Kanara) - Application No. 1126 of Class II - Duties of Commissioner of Registration - Board's proposals - Sent to Commissioner.

Ref.C.No.A5-3339-38. South Kanara Collector's Office,
Mangalore, dated 13th June 1938.

BOARD OF REVENUE
15 JUN 1938
MADRAS

From

Sri Rao Bahadur M.V.Vellodi, B.A.,
Collector of South Kanara.

To

The Secretary, Board of Revenue,
Land Revenue and Settlement, Madras.

Sir,

Inams - Jari Brahmadaya - Class II - No.112 - Inamdar deceased - change of registry - Instructions solicited

Class II Jari Brahmadaya Inam No.112 of this district, with an allowance of Rs.6.14.5 stands registered in the name of Subbamma. She died leaving no heirs behind. The inam was granted "to reside in the house attached to the 'Agrahara' and perform religious duties",- please see Board's Proceedings No.1559 dated 22.5.1856 and No.3140 dated 7.7.1860. Now, there are two claimants for the inam in question. Gopalaya, son of the deceased inam holder's brother claims it on the ground that under a deed of will left by the deceased, he is entitled to succeed to all the properties of the deceased. He has, nowever, not produced any document in support of his claim, although he was allowed sufficient time to do so.

2. The other claimant is one Madappaya, the holder of the land on which the 'agraharam' is located. He contends that the agraharam is in his possession and that he is fulfilling the conditions of residence and service, through an agent who is being paid for it. Enquiry shows that this is a fact, but the question is whether the inam can be transferred to his name on this ground.

3. In passing orders on the Board's proposals regarding the treatment of inams in this district, the Government in G.O.

No.2164, dated 13.9.1867 concurred with the Board as to the expediency of relieving 'agraharam' allowances from all --- conditions of residence and service and subsequently in G.O. No.1421, Mis., dated 20.5.69 held that Jari Brahmadaya inams should be looked upon in the light of purchased annuity in perpetuum and that the registered holder was at liberty to transfer his right by sale or gift. If, therefore, no conditions are attached to the inams, it is obvious that no one can have a valid claim to the inam for the mere reason that he is observing the conditions unless he has acquired a right to it from the registered holder. It follows also that on the failure of legal heirs to the deceased holder, th inam should revert to Government. The provisions of B.S.O.5 can therefore have no application to this class of inams. I request Board's instructions whether the views expressed abov are correct.

4. If the inam in the case cited above has to revert to Government, I solicit instructions whether it is sufficient to strike off the item from the register and credit the amount to 'general revenue' or whether a Gazette notice inviting claims within 3 months as required by B.S.O. 31- 6(ii) should precede this. (2)

-6.115 B-B Govt Vol I

For Collector.

13.6.38

A/J/3920
A4004

Ref.A5-3339-38.

South Kanara Collector's Office,

Mangalore, 12th August 1938.

From

Sri Rao Bahadur M. V. Vellodi. B.A.,

Collector of South Kanara.

To

The Secretary to the Board.

Land Revenue & Settlement.

M a d r a s.

Sir,

Inams - Jari Brahmadaya - Class II - No.112 - Udipi Taluk

Change of registry - Instructions solicited.

(File in this office Ref.A5-3339-38, dated 15.6.1938.

I request the favour of orders on my reference quoted above.

For Collector.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..	27/8	D.
When copied ..	30/8	MB
When examined ..	30/8/38	[illegible]
When signed ..	30/8	[illegible]
When despatched.	DESPATCHED -1 SEP 1938	

SUBJECT :— Allowances. Board of Agriculture (Southern Areas) Grant of allowance No. 112 of class II. Death of holder. Question of succession.

READ AGAIN ——————, dated ——————19——.

" " ——————, " ——————19——.

READ *ALSO* :— 1081-26.

No. 3641/36 From the Collr of South Kanara No. R.C.No.A3641/36 dated 3339-38 & 1356-38 - A.Govt to Collr

" ——————

" ——————

Order Ms. No.——————, da

Refer A3641-36, 1027-8-38.

Submitted to the Govt. for orders.

2 In the circumstances reported the Board considers that the Collr's view, contained in para 3 of his letter cited above, that the provisions of B.S.O. No. 52 do not apply to the present case and that the allowance should revert to the Govt in default of legal heirs or successors is correct.

3 In regards the point raised in the Collr's para 4 of his letter the Board is of opinion that it will be safe if a notice is published in the Dt Gazette in the

on the ground of insurance as the insurance has been held to be a transferable right.

(7-0).

27838

25838

27888

D Bosley to the Govt. Rd.

Copy to the Collr of Sambalpur

BOARD OF REVENUE
8 OCT 1938
MADRAS

GOVERNMENT OF MADRAS

F5011

Revenue Department

8-OCT 38

Memorandum No.4669 B/38, dated 6th October 1938.

Allowance - Jari Brohmadayam (South Kanara) - Udipi taluk - Allowance No.112 of class II - Death of holder - Transfer of Registry.

Board's Refce. No.A.3641-36-1, dated 27-8-1938.

The Board of Revenue is requested to instruct the Collector of South Kanara to enquire whether the ~~hus~~ husband of the deceased inamdar has any legal heirs and also to publish a notification inviting claims to the inam and to report the result.

P.K.Gnanasundara Mudaliar,
Assistant Secretary to Government.

To the Board of Revenue.

Forwarded
/By Order/

s.r.

P Krishnan 7/10/38
Superintendent.

DRAFT FOR APPROVAL.

9

	Date.	Initials.
When received for fair copying ..	12.10	gs
When copied ..	18/10	[illegible]
When examined..		
When signed	19.10	[illegible]
When despatched.		DESPATCHED

SUBJECT:— Allowances — Jari Brahmaday (South Kanara) — Udipi Tk. — Allowance No. 112 of class II — Death of holder — Transfer of registry

READ AGAIN 19 OCT 1938, dated ____ 19____.

" " ____ " ____ 19____.

READ *ALSO*:—

p. 1. c/f No. A. 3641 From the Coll. of South Kanara Ref. C. A-5 No. 3339-38, dated 13-6-1938.

p. 5. c/f " ____ " Board's Ref. A. 3641-38-1 " 27-8-1938

p. 7 c/f " I. 5011 " Govt. Memo. No. 4669 B/38 Rev. " 6-10-1938

~~Order~~ ~~Ms.~~ ~~Resolution~~ ~~Rout.~~ Ref. A. 3641/38-2 No. ____, dated 15-10-1938.

Ex R from Govt returned with reply

~~R Coll 15-12-38~~ 15/12

R Coll 16-12-38 Ex 17/12

p. R. from Govt 8-1-39 replied 25.

p. R. Coll. 1-2-39 11/2

15/2

To the Collector of South Kanara.

The Collector is requested to enquire whether the husband of the deceased inamdar has any legal heirs and also to publish a notification inviting claims to the inam and to report the result.

AR 15/10 GD 15/12/38.

15/2008

Ref.A5-3339-38.

South Kanara Collector's Office,
Camp Puttur
~~Mangalore~~, dated 22 - 2 - 1939.

From

Sri Diwan Bahadur M.V.Vellodi, B.A.,

Collector of South Kanara.

To

The Secretary to the Board,

Land Revenue & Settlement,

M a d r a s.

Sir,

Allowances - Jari Brahmadaya (South Kanara) -Udipi Taluk - No.112 of Class II -Death of holder - transfer of registry -further report submitted

Ref: Board's Ref:A.No.3641-38-2 dated 15-10-38.

Further enquiry has shown that the husband of the deceased inamdar has no legal heirs. A notification was published in the Dt.Gazette dated 20-11-38 (page 53) invitin claims to the inam within three months from the date of publication. No claims have been received in the time allowed.

r Collector.

A:5(Part)

Allowances — yan mahmadayam (South Kanara) — Udipi Tk. — No. 112 of class II — Death of holder — Transfer of registry.

Read 1) G.O. No. 11 Govt. Memo d. 6-10-38
2) Board's Ref. A. 3641/38-2 d. 15-10-38
3) L.No. 1067 from the Collector of S. Kanara A

Ref. A. 3641/38-3 dated 8-3-39

Submitted to the Government with reference to their Memorandum read above.

To the Secretary to Government
Revenue Dept.

Order + Tirr

BOARD OF REVENUE
21 APR 1939
MADRAS
GOVERNMENT OF MADRAS

Sectt. II-15 (a)—20,000—30-10-37.

Received 193 Registered SECY. 21 APR 1939 193

Abstract.

Allowance - Jari Brahmadayam - (South Kanara) - Udipi Taluk - Allowance No.112 of Class I[I] - Death of holder - Transfer of registry Board's proposals - Approved -

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Revenue DEPARTMENT.

G.O. No. 957 dated 18th April 1939.

ENCLOSURES.

No.

READ the following paper :—

(M) — G.O.No.2164 Revenue, dated 13th September 1867

(A) — G.O.No.1421 Revenue, dated 20th May 1869.

From the Board of Revenue, Ref.No.A.3641-36-1, dated 27th August 1938.

Memorandum to the Board of Revenue, No.4669 B/38, dated 6th October 1938.

From ---do----- Ref. No.A.3641-38-3, dated 9th March 1939

****

O R D E R :-

The views expressed by the Board of Revenue, in its reference first read above, in regard to the manner in which the Jari Brahmadaya inams in the South Kanara District should be dealt with are approved.

2. The Class II Jari Brahmadaya Inam No.112 in the South Kanara district, registered in the name of Subbamma should, in default of legal heirs or successors, revert to the Government.

(By Order of His Excellency the Governor)

B. G. Holdsworth,
Secretary to Government.

To the Board of Revenue.

******

F o r w a r d e d.

(By Order)

20/4/39

Superintendent.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying		
When copied	5/5	
When examined		
When signed	8/5/39	
When despatched		

SUBJECT:— Allowance- Jari Brahmadayam - South Kanara) - Udipi Tk. - Allowance No. 112 of class II - Death of holder - Transfer of registry - Board's proposals - Approved - G.O Communicated -

READ AGAIN 9-MAY 1939, dated ____ 19____.

" " ____ 19____.

READ ALSO:—

f.1.c.f No. J. 3641 From the Collector of S. Kanara No. 3339-38 dated 13-6-1938. Q

f.15c.f " J. 2056 " G.O. No. 957 Rev. - " - - " 18-1- 1939. A

" ____ " ____ " ____ " ____ 19____

~~Order~~ / Resolution ~~Ms. / Rout.~~ No. 127, dated 2-5-1939.

Communicated to the Collector of South Kanara

Hds 29/4 CR 29/4/39 hw 1/5/39

To the Collector of South Kanara.

Issued 2/5

Note file.

Allowances - Jain Brahmadayam (South Kanara)

A (dor) Death of Hiramdarni - Transfer - Instructions

[A 3641/38]

Letter from the Collector of South Kanara D/3.6.38

To AS

Please see the Collector's letter at [illegible]

2 The Hiramdarni died without heirs: She was in receipt of a Jain Brahmadayam allowance of Rs. 6-14-5. According to the principle enunciated in (A), the allowance should be treated as an absolute property and it should it seems revert to the Govt in default of heirs or successors. Of the two claimants specified by the Collector, none appear to have any valid claim to it If they have any, it is open to them establish the it in a civil Court. In circumstances the Collector's view that the provisions of B.S.O no 54 do not apply to present case and that the allowance should revert to the Govt in default of legal heirs or successors seems correct

3 As regards the point raised by the Collector in para 4 of his D/- p. 2 of (1) regarding the striking off the allowance from the register, it appears that it will be safe if a notice is published in the Gazette in the first instance as the claim has been held to be a transferable right

* See also Rule 1 of the S.K. Manual vol II (Trans.) p. 105 of the printed ... at Nottambu.

p. 410 of B.S.O vol II.

4 As no precedent is available, the Collector's letter at pp 1-2 c/f may be submitted to the Govt. forwarded with the Board's remarks on the above lines.

dy 138 KK 38 18858

A 23838.

M 24/8

SECY. 24 13

To As (dn)

As (dn)

Draft Submitted

dy 158 KK 38 29/8/38

A 27.9.38

Issued as Board's Ref. A. 3641/38-1 dated 15-10-38 — p. 1 c.f

Read I. 5011 Govt. Memo. No. 4669 B/38 dated 6-10-38 — 7 c.f

To A.S (L.R.)

A.S (L.R.)

Please see the Government Memorandum at p. 7 c.f. Draft Submitted.

AKR 12/10 GR 13/10/38

A 15.10.38

Issued as Board's Ref. A. 3641/38-2 dated 15-10-38 — p. 9 c.f

Read I. 1067 from the Collector of South Kanara — p. 11 c.f

To A.S (Sett.)

A.S (Sett.)

The Collector's reply at p. 11 c.f may be submitted to the Government with reference to their Memo. No. 4669 B/38 dated 6-10-38 at p. 1 c.f.

Draft submitted.

MS 6/3 GR 6/3/39.

MV 7/3/39

p.13C/f | Issued as Bd.'s Rev. A. 3641/38-3 dated 9-3-39

p.15C/f | Read I.2056 Cr.o.No.957 Rev. dated 18-4-39

p.17C/f | " I.2078 letter from The Collr. of S. Kanara d 21-4-39

A.S (Sett.) | To A.S (Sett.)

The Cr.o. at p.15C/f may be communicated to the Collector of South Kanara and the Collector's letter at p.17C/f may be added to the file.

Draft submitted

AAS 29/4 29/4/39

Laws 1/5/39

B.P.No. 1227 Rio.

Dated 2-5-39

Single Member M.1

Two Members.

~~Full~~ Board.

I-A.	A.D.S. & L.R.	Asst. Secretary. Land Rev.	Asst. Secretary. Sett.	Asst. Secretary. Sep. Rev.	J.S. Secy.	M 3	M 2	M 1
(1) Open file seen by		✓	✓			✓		
(2) Final draft seen by			✓					
(3) Now circulated to			✓					
(4) Initials								

GO 4/5

Passed for record.

Secretary
Joint Secretary

~~A.S. (C.W.)~~

~~A.S. (L.R.)~~

A.S. (Sett.) 16/5

~~A.S. (Excise)~~

A.D.S. & L.R.

~~I-A.~~

*Note.- Entries not required to be scored out.